

Remarks

Claims 1-58 are pending. Claims 1-52 are rejected.

Information Disclosure Statement

Applicants filed Information Disclosure Statements (IDSs) on May 6, 2004, July 28, 2005, November 2, 2006 and December 27, 2006, respectively. However, the IDSs filed on May 6, 2004, and December 27, 2006 have not been returned to the Applicants. Applicants respectfully request the Examiner to sign off and return to Applicants these IDSs.

Rejections under 35 U.S.C. § 103

Claims 1-58 are rejected under 35 U.S.C. §103(a) as being obvious over WO 03/022323 A1 by Pacetti et al. ("Pacetti") in view of WO 98/32398 A1 by Roby et al. ("Roby").

Pacetti, assigned to Advanced Cardiovascular Systems, Inc. ("ACS") at the time of filing the application, has the same ownership as the present application when filed. A statement of an attorney of record can be sufficient evidence to establish common ownership. As established by the enclosed Statement of Common Ownership, at the time the inventions of the current application were made, the inventions of the present application and Millare were owned by or subject to an obligation of assignment to ACS. Therefore Pacetti and the present application are commonly owned by ACS. **This disqualifies Pacetti as a 35 U.S.C. 103 art reference against the present application.**

Roby describes the preparation of a poly(ester amide) (PEA) polymer that can be used for fabrication of surgical devices. However, there is no teaching or description in Roby of a coating comprising a composition that includes a PEA polymer and a low surface energy, surface blooming polymer.

Claim 1 defines a method of forming a coating having a poly(ester amide) (PEA) polymer and a low surface energy, surface blooming polymer, which Roby fails to describe or teach. Therefore, claim 1 is patentably allowable over Roby. Claims 2-7 and 53 depend from claim 1 and are patentable over Roby for at least the same reason.

Claim 8 defines a method of forming a coating having a PEA polymer and at least one low surface energy polymer additive. Roby fails to describe or teach this element. Therefore, claim 8 is patentably allowable over Roby. Claims 9-11 and 54 depend from claim 8 and are patentable over Roby for at least the same reason.

Claim 12 defines a coating having a PEA polymer and at least one low surface energy polymer. Roby fails to describe or teach this element. Therefore, claim 12 is patentably allowable over Roby. Claims 13-18 and 55 depend from claim 12 and are patentable over Roby for at least the same reason.

Claim 19 defines a coating having a PEA polymer and at least one low surface energy polymer additive. Roby fails to describe or teach this element. Therefore, claim 19 is patentably allowable over Roby. Claims 20-22 and 56 depend from claim 19 and are patentable over Roby for at least the same reason.

Claim 23 defines a medical device comprising a coating having a PEA polymer and at least one low surface energy polymer. Roby fails to describe or teach this element. Therefore, claim 23 is patentably allowable over Roby. Claims 24-29, 34-38, 41, 42, 45-49, 51 and 57 depend from claim 23 and are patentable over Roby for at least the same reason.

Claim 30 defines a medical device comprising a coating having a PEA polymer and at least one low surface energy polymer additive. Roby fails to describe or teach this element.


Therefore, claim 30 is patentably allowable over Roby. Claims 31-33, 39, 40, 43, 44, 50, 52 and 58 depend from claim 30 and are patentable over Roby for at least the same reason.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

Withdrawal of the rejection and allowance of the claims are respectfully requested. **If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.** If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

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Respectfully submitted,



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